



Minnesota Environmental Quality Board

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Permanent Rules Governing the Siting of Large Wind Energy Conversion Systems, Minnesota Rules, Chapter 4401

Introduction. The Minnesota Environmental Quality Board (MEQB) intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until January 25, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Larry B. Hartman, Minnesota Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155-0001, **phone:** 651-296-5089 or 1-800-657-3784; **fax:** 651-296-3698; **email:** larry.hartman@state.mn.us. **TTY** users may call Minnesota Planning at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about the siting and permitting of large wind energy conversion systems. The statutory authority to adopt the rules is *Minnesota Statutes*, section 116C.695. A copy of the proposed rules is published in the *State Register* (Volume 26, Issue 23, Monday, November 26, 2001). A free copy of the rules is available upon request from the agency contact person listed above or available on the MEQB web site at: www.mnplan.state.mn.us/eqb/wind

A Large Wind Energy Conversion System or LWECS as defined by Minnesota Statutes, section 116C.691, subd.2, to 116C.697 means any combination of wind energy conversion systems with a combined nameplate capacity of 5,000 kilowatts or more. Minnesota Statutes, section 116C.694 requires a site permit from the MEQB before a LWECS is constructed. The rules will address the following: (1) criteria that the MEQB shall use to designate LWECS sites; (2) contents of a site permit application for LWECS including turbine type and design; engineering and operational design analysis; cost analysis; and environmental analysis of the proposed site; (3) site permit conditions for LWECS construction, operation, maintenance and site restoration; (4) procedures that the MEQB will follow in acting on an application for a LWECS, including procedures for notification to the public of the application and for participation by the public in the permit process; (5) requirements for environmental review of the LWECS; (6) procedures for revocation or suspension of a site permit when violations of the permit or other requirements occur; (7) payment of fees for the necessary and reasonable costs of the MEQB in acting on a permit application.

Comments. You have until 4:30 p.m. on Friday, January 25, 2002, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules.

Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, January 25, 2002.

Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency, or downloaded from the MEQB web page identified above.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

November 7, 2001

A handwritten signature in black ink, appearing to read "Gene Hugoson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gene Hugoson, Chair
Minnesota Environmental Quality Board